

AMNESTY PROGRAM GUIDELINES

I. Program Authority

In October, 2011, Assembly Bill 1358 (Stats. 2011, ch 662) amended Vehicle Code section 42008.7 (Attachment A). The statute authorizes and sets the general guidelines for a one-time mandatory amnesty program in each county for bail and fine vehicle code and non-vehicle code infractions meeting the eligibility requirements. The bill allows, upon court and county agreement, a one-time amnesty program for specified Vehicle Code misdemeanors.

The statute requires that the amnesty program be implemented in accordance with guidelines adopted by the Judicial Council. The Amnesty Program Guidelines may not address every situation involving a collection program's implementation. Courts and counties should consider the intent of the legislation when developing local policies and procedures for their amnesty programs.

II. Purpose of the Amnesty Program

The purpose of the one-time amnesty program is to provide relief to individuals who have found themselves in violation of a court-ordered obligation because they have been unable to pay an infraction or specified misdemeanor bail or fine. The amnesty program may provide increased revenue at a time when revenue is scarce by encouraging payment of old debt that has remained unpaid and will allow court and county collection programs to resolve older delinquent cases and focus limited resources on collecting on more recent cases.

III. Court and County Participation

Unless agreed to otherwise by the court and the county in writing, the government entities (*does not include the Franchise Tax Board*) responsible for the collection of delinquent court-ordered debt under Penal Code section 1463.010(b) will be responsible for implementation of the amnesty program. Juvenile traffic infractions are included in the amnesty program.

The court and county *will* implement an amnesty program to include infractions with a misdemeanor violation added to an underlying infraction violation under Vehicle Code section 40508(a) or (b) or Penal Code section 853.7.

The court and county *may* jointly agree to extend the one-time amnesty program to bail and fines imposed for a misdemeanor violation of the Vehicle Code. The amnesty program does not apply to parking violations and violations of Vehicle Code sections 23103, 23104, 23105, (reckless driving) 23152, or 23153 (driving under the influence).

IV. Program Costs

Any unreimbursed costs of operating the amnesty program, excluding capital expenditures, may be deducted from the revenues collected under the amnesty program by the court or county collection program that incurred the expense. To recover costs under the amnesty program, a collection program does not have to be comprehensive, per Penal Code section 1463.007.

The Judicial Council's *Guidelines and Standards for Cost Recovery* can be used as a reference to determine cost allocation and revenue distribution and is available at

<http://serranus.courtinfo.ca.gov/programs/collections/cr.htm> or the AOC's external enhanced collections site website at <http://www.courts.ca.gov/partners/collections.htm>

V. Amnesty Period

The one-time amnesty program shall operate from January 1, 2012, through June 30, 2012.

VI. Eligibility

All adult Vehicle Code and non-Vehicle Code infraction violations and adult Vehicle Code misdemeanor violations with specified exceptions are eligible for the amnesty program. Juvenile Vehicle code and non-Vehicle Code infraction violations are also eligible. Under Vehicle Code section 42008.7, the terms "bail" and "fine" refer to the total bail amount or fine balance due in connection with a specific Vehicle Code and/or non-Vehicle Code infraction and misdemeanor violations.

VII. Mandatory Amnesty Program

The mandatory amnesty program includes all traffic and non traffic infraction violations, including those where a misdemeanor under Vehicle Code section 40508(a) or (b) or Penal Code section 853.7 has been added.

Violations are eligible for the mandatory amnesty program only if each of the following requirements is met:

1. The violation is an infraction violation filed with the court and/or the violation of Vehicle Code section 40508(a) or (b) or a violation of Penal Code section 853.7 is added to an underlying infraction case.
2. The due date for payment of the bail or fine was on or before January 1, 2009.
 - A failure to appear case is eligible for amnesty *if* the case is currently on failure to appear status and the appearance date was on or before January 1, 2009.
 - A failure to pay case is eligible for amnesty *if* the fine due date *and* last payment made on an installment plan or accounts receivable was on or before January 1, 2009.
3. The defendant does not owe restitution to a victim on any case within the county where the violation was issued.

4. There are no outstanding misdemeanors or felony warrants for the defendant within the county where the violation was issued, except for misdemeanor warrants for violations authorized by the court and county.

To qualify, the defendant must pay 50 percent of the delinquent bail amount or fine balance in full satisfaction of the debt under the amnesty program and meet all requirements 1 through 4 listed above. A defendant is not required to apply in writing or request amnesty in order for the violation to be eligible. Amnesty is granted at the time all eligible criteria is verified and the defendant makes the required payment.

VIII. Optional Amnesty Program

The optional amnesty program includes all Vehicle Code misdemeanor violations, with the exception of parking violations and violations of Vehicle Code sections 40508(a) or (b), 23103, 23104, 23105, 23152, and 23153.

Violations are eligible for the optional amnesty program only if each of the following requirements is met:

1. The court and the county agree to extend the amnesty program to misdemeanor violations of the Vehicle Code with the exception of the specified misdemeanors listed above.
2. The due date for payment of the bail or fine was on or before January 1, 2009.
 - A failure to appear case is eligible for amnesty *if* the case is currently on failure to appear status and the appearance date was on or before January 1, 2009.
 - A failure to pay case is eligible for amnesty *if* the fine due date *and* last payment made on an installment plan or accounts receivable was on or before January 1, 2009.
3. The defendant does not owe restitution to a victim on any case within the county where the violation was issued.
4. There are no outstanding misdemeanors or felony warrants for the defendant within the county where the violation was issued, except for misdemeanor warrants issued for misdemeanor violations authorized by the court and the county to be included in the amnesty program.

IX. Payment Processing

Vehicle Code section 42008.7 requires that each amnesty program accept, in full satisfaction of any eligible bail or fine, 50 percent of the bail amount or fine balance. The remaining 50 percent is to be suspended or adjusted to zero in the court and/or county records.

- a. All forms of payment currently accepted by the collection program are acceptable for the amnesty program.
- b. Payment under the amnesty program must be made in one lump sum.

- c. The calculation of the fine, fees, penalties, and assessments on eligible violations will be calculated in the same manner as in delinquent cases based on the collecting entity's current policies and procedures.
- d. The total amount of revenue collected under the amnesty program will be deposited in the county treasury and/or the account established under Government Code section 77009.
- e. The program must maintain a separate accounting of all revenues collected and operating costs expended under the amnesty program.
- f. No criminal action on the eligible case may be brought against a person after payment of a delinquent bail amount or fine balance has been made under the amnesty program.

X. DMV Notification

Upon payment, a court should notify the DMV as required by law.

XI. Reporting Requirements

Each court or county collection program will jointly file a report with the Judicial Council, in a format approved by the Judicial Council, no later than September 30, 2012 (Attachment B).

The report must include monthly data on the number of cases resolved, the amount of money collected, and the operating costs of the amnesty program. Reports may be submitted electronically to the Enhanced Collections Unit at collections@jud.ca.gov or faxed to 818-558-3112.

The Judicial Council is required to submit a report to the Legislature summarizing the information provided by each court or county on or before December 31, 2012.

XII. Distribution

Revenue collected under the amnesty program will be distributed pro rata to all applicable funds based on the distribution guidelines as designated in Appendix C of the State Controller's *Manual of Accounting and Audit Guidelines for Trial Courts* and applicable law, without regard to the priorities listed in Penal Code section 1203.1(d). The State Controller's manual and *Assembly Bill 3000 Court Surcharge Distribution Guidelines* are available at www.sco.ca.gov/Files-ARD-Local/LocRep/Appendix_C_v22edited.pdf and www.sco.ca.gov/Files-ARD-Local/acctng_guidelines_ab3000guidelines.pdf.

For accounts where a partial payment has been made and distributed based on Penal Code section 1203.1(d) priorities, the remaining balance collected under the amnesty program, at the reduced rate of 50 percent, must be distributed pro rata among only the state and local government funds that did not receive their share of the revenues, in accordance with the California State Controller's *Manual of Accounting and Audit Guidelines for Trial Courts*.

For example, an account with an outstanding fine of \$475 is set up on installment payments. The defendant made two payments of \$100 each before defaulting on the payment plan in October

2008. Of the \$200 paid, \$24 was distributed to the second priority and \$176 to the third priority. Because only 50 percent of the remaining \$575 (\$275 balance plus \$300 civil assessment) is eligible for amnesty, upon receipt of a \$287.50 payment, the funds must be distributed pro rata between the remaining items in priorities 3 and 4.

Amnesty eligible operating costs, including commission fees, are prorated among all funds collected under the amnesty program before the final distribution.

The Judicial Council's *Guidelines and Standards for Cost Recovery* can be used as a reference to determine cost allocation and revenue distribution and is available at <http://serranus.courtinfo.ca.gov/programs/collections/cr.htm> or the AOC's external enhanced collections website at <http://www.courts.ca.gov/partners/collections.htm>

XIII. Amnesty Program Action Plan

The Administrative Office of the Courts' Enhanced Collections Unit will:

- Develop and distribute the Amnesty Program Guidelines, as approved by the Judicial Council, to court and county collecting entities no later than November 1, 2011;
- Assist, on request, with the coordination of statewide and local media campaigns;
- Assist, on request, with the development of advertising materials for court and county collection programs and justice partners; and
- Report amnesty program information to the Judicial Council for inclusion in the required report to the Legislature.

Mandatory Amnesty Program

Courts and counties should collaborate on developing local policies and procedures for the implementation of the mandatory amnesty program authorized under Vehicle Code section 42008.7. In order for the amnesty program to be implemented successfully, each court and county should develop a joint process for:

- Accepting and posting payments made through the amnesty program;
- Maintaining separate accounting of all amnesty revenues including cost recovery collected and operating costs expended under the amnesty program;
- Upon contact by defendant, determining eligibility on individual cases based on criteria established in Vehicle Code section 42008.7; tracking and reporting monthly operating costs; tracking and reporting the monthly number of cases resolved; tracking and reporting the monthly revenue collected under the amnesty program; and tracking and reporting recovered costs.

The court and county should also consider developing a joint procedure for:

- Distributing advertising materials to justice partners and private collection vendors;

- Designating staff at each court or county satellite location to process all amnesty payments received by mail or in person;
- If cost effective, contracting with an amnesty vendor or amending an existing participation agreement or contract to include collection services for the amnesty program.

Optional Amnesty Program

Local policies and procedures for the implementation of the optional amnesty program authorized under Vehicle Code section 42008.7 should be developed. At a minimum, the court and county should collaborate on:

- Accepting and posting payments made through the amnesty program;
- Maintaining separate accounting of all amnesty revenues including cost recovery collected and operating costs expended under the amnesty program;
- Upon contact by defendant, determining eligibility of individual cases based on criteria established in Vehicle Code section 42008.7; Tracking and reporting monthly operating costs; Tracking and reporting the monthly number of cases resolved;
- Tracking and reporting the monthly revenue collected under the amnesty program; and
- Tracking and reporting recovered costs.

Courts and counties should obtain appropriate authorization and consider developing an amnesty program that includes:

- Eligible probation cases where a defendant is currently on probation and has met all terms and conditions, except for full payment of outstanding fines
- Eligible probation cases where probation has lapsed or expired and outstanding fines remain unpaid.

Private Vendor

A private vendor's responsibility pertaining to the collection of amnesty-eligible cases is outlined in the amnesty master agreement and in each individual Participation Agreement. As soon as the Amnesty Master Agreements are executed, they will be posted at

<http://serranus.courtinfo.ca.gov/programs/collections/cr.htm> and the AOC's external enhanced collections website at <http://www.courts.ca.gov/partners/collections.htm>

Franchise Tax Board

Because of its current system limitations and inability to separate cases by violation type, determine the age of the debt, and the lack of access to information regarding outstanding warrants or restitution of any particular amnesty applicant in the county, the Franchise Tax Board Court-Ordered Debt Program (FTB-COD) cannot participate fully in the infraction amnesty program. It is recommended that collection programs recall an amnesty-eligible case from the FTB-COD as soon as an amnesty payment is made. The FTB-COD has identified more than 55,000 infraction, misdemeanor, and felony cases with a due date prior to January 1, 2009.

The withdrawal of amnesty eligible cases from the Franchise Tax Board's Interagency Intercept Collections program should be decided on a court by court, county by county, basis.

XIV. Example Calculations

Please be advised that each of the examples that follow is for calculating the total fine and penalty assessments for amnesty cases and is not intended to calculate distribution of amounts received. Courts and counties are responsible for the calculation and distribution of monies received, and the Administrative Office of the Courts assumes no liability for its failure to include any local distributions.

The examples provided are for illustrative purposes only and do not contain all possible fines, fees, penalties, or assessments eligible for the amnesty program under Vehicle Code section 42008.7.

- Example 1: Failure to appear; single Vehicle Code infraction violation with one prior violation
- Example 2: Failure to appear; single Vehicle Code infraction violation by a juvenile filed in Adult Traffic Court
- Example 3: Failure to pay; single non-Vehicle Code infraction violation
- Example 4: Failure to pay; multiple Vehicle Code infraction violations
- Example 5: Failure to pay; multiple Vehicle Code misdemeanor violations
- Example 6: Failure to pay; single Vehicle Code misdemeanor violation
- Example 7: Failure to pay; single Vehicle Code misdemeanor violation
- Example 8: Failure to appear; single Vehicle Code infraction violation with added misdemeanor under Vehicle Code section 40508(a)

Example 1: Failure to Appear; Single Vehicle Code Infraction Violation With One Prior Violation*

Factors:

1. Violation is an infraction under Vehicle Code section 22349(a), *Speeding 1–15 MPH over 65 MPH Limit*, plus one prior conviction of Vehicle Code section 22349(a).
2. Traffic citation was issued on March 2, 2005; appearance/payment due date was April 7, 2005.
3. Defendant failed to appear and account became delinquent on May 25, 2005.
4. Additional fees include prior conviction monitoring and civil assessment for failure to appear.
5. Total amount of \$415 is eligible for amnesty. The \$207.50 should be distributed pro rata to all funds as appropriate.

Vehicle Code Infraction	Original Amount Due	Amnesty Program: 50% Due
Base bail of \$25, plus 1 prior (\$10 added)	\$35.00	\$17.50
State surcharge, 20% of base; Pen. Code, §1465.7	\$7.00	\$3.50
State penalty assessment (PA), \$10 for every \$10; Pen. Code, § 1464.4(a)	\$40.00	\$20.00
County PA, \$7 for every \$10; Gov. Code, §76000(a)(e)	\$28.00	\$14.00
Court PA, \$5 for every \$10; Gov. Code, §76000 [†]	\$20.00	\$10.00
DNA PA, \$1 for every \$10; Gov. Code, §76104.6	\$4.00	\$2.00
Administrative fee (prior record); Veh. Code, §40508.6	\$10.00	\$5.00
Night court; Veh. Code, §42006	\$1.00	\$0.50
Court security fee, \$20; Pen. Code, §1465.8	\$20.00	\$10.00
Civil assessment, up to \$250; Pen. Code, §1214.1 [‡]	\$250.00	\$125.00
Total bail amount due	\$415.00	\$207.50

* Fine, fees, and penalty assessments based on 2005 Uniform Bail and Penalty Schedules.

[†] Penalty assessment (courthouse construction) amount may differ between counties; please verify for each example.

[‡] Civil assessment increase from \$250 up to \$300 effective July 19, 2005 (Assembly Bill 139; Stats. 2005, ch 74).

Example 2: Failure to Appear; Single Vehicle Code Infraction Violation by a Juvenile Filed in Adult Traffic Court *

Factors:

1. Violation is an infraction under Vehicle Code section 22108, *Signal Required Before Turning or Changing Lanes*.
2. Traffic citation was issued on January 5, 2006; appearance/payment due date was February 6, 2006.
3. Juvenile does not appear.
4. Additional fees include civil assessments for failure-to-appear.
5. Total balance amount of \$434 is eligible for amnesty. The \$217 should be distributed pro rata to all funds as appropriate.

Vehicle Code Infraction	Original Amount Due	Amnesty Program: 50% Due
Base fine	\$35.00	\$17.50
State surcharge, 20% of base; Pen. Code, §1465.7	\$7.00	\$3.50
State PA, \$10 on every \$10; Pen. Code, §1464.4(a)	\$40.00	\$20.00
County PA, \$7 on every \$10; Gov. Code, §76000(a)(e)	\$28.00	\$14.00
Court PA, \$5 of every \$10; Gov. Code, §76000	\$20.00	\$10.00
DNA PA, \$1 for every \$10; Gov. Code, §76104.6	\$4.00	\$2.00
Civil Assessment up to \$300; Pen. Code, §1214.1	\$300.00	\$150.00
Total bail amount due	\$434.00	\$217.00

* Fine, fees, and penalty assessments based on 2006 *Uniform Bail and Penalty Schedules*.

Example 3: Failure to Pay; Single Non–Vehicle Code Infraction Violation *

Factors:

1. Violation is a non–Vehicle Code infraction of Parks and Recreation section 4312(e), *No Dogs or Cats in Area Unless on a Leash*.
2. Citation was issued on September 10, 2007; payment/appearance due date was October 12, 2007.
3. Defendant appeared and fine of \$190 was imposed; accounts receivable with due date of March 10, 2008 was established. Payment was not made and account became delinquent on March 24, 2008.
4. Additional fees include civil assessment for failure to pay and court security and accounts receivable fees.
5. Total fine balance of \$540 is eligible for amnesty. The \$270 should be distributed pro rata to all funds as appropriate.

Non–Vehicle Code Infraction	Original Amount Due	Amnesty Program: 50% Due
Base fine	\$50.00	\$25.00
State surcharge, 20% of base; Pen. Code, §1465.7	\$10.00	\$5.00
State PA, \$10 for every \$10; Pen. Code, §1464.4(a)	\$50.00	\$25.00
County PA, \$7 for every \$10; Gov. Code, §76000(a)(e)	\$35.00	\$17.50
Court PA, \$5 for every \$10; Gov. Code, §76000	\$25.00	\$12.50
EMS PA, \$2 for every \$10; Gov. Code, §76000.5 [†]	\$10.00	\$5.00
DNA PA, \$2 for every \$10; Gov. Code, §76104.6–76104.7 [‡]	\$10.00	\$5.00
Civil assessment, up to \$300; Pen. Code, §1214.1	\$300.00	\$150.00
Court security fee, \$20; Pen. Code, §1465.8	\$20.00	\$10.00
Accounts receivable fee; Pen. Code, §1205(d)	\$30.00	\$15.00
Total fine balance due	\$540.00	\$270.00

* Fine, fees, and penalty assessments based on 2007 Uniform Bail and Penalty Schedules.

[†] Maddie Emergency Medical Services Fund (EMS) additional penalty assessment, under Gov. Code, § 76000.5, if approved by board of supervisors.

[‡] DNA penalty assessment, additional \$1 for every \$10, under Gov. Code § 76104.7.

Example 4: Failure to Pay; Multiple Vehicle Code Infraction Violations*

Factors:

1. Charge is a violation of multiple Vehicle Code infractions:
 - Vehicle Code section 21453(a), *“Red” Signal—Vehicular Responsibilities*
 - Vehicle Code section 22108, *Signal Required Before Turning or Changing Lanes*
 - Vehicle Code section 24252(a), *Maintenance of Lamps and Devices Required*
2. Citation was issued on February 4, 2008; payment/appearance due date was March 10, 2008.
3. Defendant appears and a fine is imposed. Defendant agrees to installment payment plan of \$30 per month; a total of \$0 is paid.
4. Additional fees include civil assessment for failure to pay and court security and installment payment fees.
5. Total fine balance eligible for amnesty is \$1003. The \$501.50 should be distributed pro rata to all funds as appropriate.

Vehicle Code Infraction	Original Amount Due	Amnesty Program: 50% Due
First violation, Veh Code §21453(a)	\$100.00	\$50.00
Second violation, Veh. Code, §22108	\$35.00	\$17.50
Third violation, Veh. Code, §24252(a)	\$25.00	\$12.50
Subtotal base bail	\$160.00	\$80.00
State surcharge, 20% of base; Pen. Code, §1465.7	\$32.00	\$16.00
State PA, \$10 for every \$10; Pen. Code, §1464.4(a)	\$160.00	\$80.00
County PA, \$7 for every \$10; Gov. Code, §76000(a)(e)	\$112.00	\$56.00
Court PA, \$5 of every \$10; Gov. Code, §76000	\$80.00	\$40.00
DNA PA, \$2 for every \$10; Gov. Code, §76104.6 and 76104.7	\$32.00	\$16.00
EMS PA, \$2 for every \$10; Gov. Code, §76000.5	\$32.00	\$16.00
Court security fee, \$20; Pen. Code, §1465.8	\$60.00	\$30.00
Installment payment plan fee; Pen. Code, §1205(d)	\$35.00	\$17.50
Civil assessment up to \$300; Pen. Code, §1214.1	\$300.00	\$150.00
Total fine balance due	\$1,003.00	\$501.50

* Fine, fees, and penalty assessments based on 2008 Uniform Bail and Penalty Schedules.

Example 5: Failure to Pay, Multiple Vehicle Code Misdemeanor Violation[†]

Factors:

- Charge is a violation of multiple Vehicle Code misdemeanors:
 - 23109(a), *Engaging in Speed Contests Prohibited*
 - 23109(d), *Placing Barricades or Obstructions Prohibited*
- Case was filed with the court on September 6, 2005; appearance date was set for October 11, 2005. Defendant appeared, and a fine of \$1,650 was imposed.
- Defendant agreed to \$60/month payment plan but made only six payments. Defendant complied with the mandatory 40 hours of community service.
- Additional fees include civil assessment for failure to pay, court security and installment payment fee.
- Total balance amount of \$1,575 is eligible for amnesty. The \$787.50 should be distributed pro rata to all funds or items that have not received their portion of revenues collected.

Vehicle Code Misdemeanor	Original Amount Due	Payment Priority Distribution	Fine Priority Balance Remaining	Amnesty Program: 50% Due
First violation, Veh. Code, §23109(a)	\$360.00	\$61.93	\$298.07	\$149.04
Second violation; Veh. Code, §23109(d)	\$100.00	\$17.20	\$82.80	\$41.40
Subtotal base fine	\$460.00	\$79.13	\$380.87	\$190.44
State surcharge, 20% of base; Pen. Code, §1465.7	\$92.00	\$92.00	\$0.00	\$0.00
State PA, \$10 for every \$10; Pen. Code, §1464.4(a)	\$460.00	\$79.13	\$380.87	\$190.44
County PA., \$7 for every \$10; Gov. Code, §76000(a)(e)	\$322.00	\$55.39	\$266.61	\$133.31
Court PA \$5 for every \$10; Gov. Code, §76000	\$230.00	\$39.56	\$190.44	\$95.22
DNA PA., \$1 of every \$10; Gov. Code, §76104.6	\$46.00	\$7.91	\$38.09	\$19.04
Court security fee, \$20; Pen. Code, §1465.8	\$40.00	\$6.88	\$33.12	\$16.56
Installment payment plan fee; Pen. Code, §1205(d) [‡]	\$35.00	\$0.00	\$35.00	\$17.50
Total of original amount due	\$1,685.00	\$0.00	\$1325.00	\$662.50
Total of installment payments made	\$0.00	\$360.00	\$0.00	\$0.00
Unpaid balance	\$1,325.00	\$0.00	\$0.00	\$0.00
Civil assessment up to \$300; Pen. Code, §1214.1	\$250.00	\$0.00	\$250.00	\$125.00
Total fine balance due	\$1,575.00	\$0.00	\$1,575.00	\$787.50

[†] Fine, fees, and penalty assessments based on 2005 Uniform Bail and Penalty Schedules.

[‡] Sen. Bill 676 (Stats. 2009, ch. 606; effective January 2010) amended Pen. Code, § 1205(d): dropped the \$35 maximum and changed to actual cost. The accounts receivable fee of up to \$30 remained the same.

Example 6: Failure to Pay, Single Vehicle Code Misdemeanor Violation*

Factors:

1. Charge is a misdemeanor under Vehicle Code section 20002(a), *Hit and Run–Property Damage*.
2. Case was filed with the court on January 5, 2006; appearance date was set for February 6, 2006.
3. Defendant appeared and was sentenced to four months in county jail, and a fine was imposed, but defendant failed to pay.
4. Additional fees include civil assessment for failure to pay.
5. Total balance amount due of \$3,820 is eligible for amnesty. The \$1,910 should be distributed pro rata to all funds as appropriate.

Vehicle Code Misdemeanor	Original Amount Due	Amnesty Program: 50% Due
Base fine; Veh. Code, §20002 (a)	\$1,000.00	\$500.00
State surcharge, 20% of base; Pen. Code, §1465.7	\$200.00	\$100.00
State PA., \$10 for every \$10; Pen. Code, §1464.4(a)	\$1,000.00	\$500.00
County PA., \$7 for every \$10; Gov. Code, §76000(a)(e)	\$700.00	\$350.00
Court PA., \$5 for every \$10; Gov. Code, §76000	\$500.00	\$250.00
DNA PA, \$1 for every \$10; Gov. Code, §76104.6	\$100.00	\$50.00
Court security fee, \$20; Pen. Code, §1465.8	\$20.00	\$10.00
Civil assessment, up to \$300; Pen. Code, §1214.1	\$300.00	\$150.00
Total fine balance due	\$3,820.00	\$1,910.00

* Fine, fees, and penalty assessments based on 2006 Uniform Bail and Penalty Schedules.

Example 7: Failure to Pay, Single Vehicle Code Misdemeanor Violation*

Factors:

1. Charge is a misdemeanor under Vehicle Code section 14601(a), *Driving While Suspended or Revoked*.
2. Case was filed with the court on September 10, 2007; appearance date was set for October 12, 2007.
3. Defendant appeared, and a fine of \$1,140 was imposed; at the defendant's request an accounts receivable was set up for March 10, 2008. Payment was not made, and account is delinquent.
4. Additional fees include court security and accounts receivable fee.
5. Total fine balance of \$1,190 is eligible for amnesty. The \$595.00 should be distributed pro rata to all funds as appropriate.

Vehicle Code Misdemeanor	Original Amount Due	Amnesty Program: 50% Due
Base fine	\$300.00	\$150.00
State surcharge, 20% of base; Pen. Code, §1465.7	\$60.00	\$30.00
State PA., \$10 for every \$10; Pen. Code, §1464.4(a)	\$300.00	\$150.00
County PA., \$7 for every \$10; Gov. Code, §76000(a)(e)	\$210.00	\$105.00
Court PA, \$5 for every \$10; Gov. Code, §76000	\$150.00	\$75.00
EMS PA., \$2 for every \$10; Gov. Code, §76000.5 [†]	\$60.00	\$30.00
DNA PA., \$2 for every \$10; Gov. Code, §76104.6–76104.7 [‡]	\$60.00	\$30.00
Court security fee, \$20; Pen. Code, §1465.8	\$20.00	\$10.00
Accounts receivable fee; Pen. Code, §1205(d)	\$30.00	\$15.00
Total fine balance due	\$1,190.00	\$595.00

* Fine, fees, and penalty assessments based on 2007 Uniform Bail and Penalty Schedules.

[†] EMS additional penalty assessment, under Gov. Code, § 76000.5, if approved by board of supervisors.

[‡] DNA penalty assessment, additional \$1 for every \$10, under Gov. Code, § 76104.7.

Example 8: Failure to Appear, Single Vehicle Code Infraction Violation With Added Vehicle Code Section 40508(a) Misdemeanor*

Factors:

1. Violation is an infraction under Vehicle Code section 21453(a), *Red-Signal Vehicle Responsibility*.
2. Citation was issued on February 4, 2008; payment/appearance date set for March 10, 2008.
3. Defendant fails to appear and a charge under Vehicle Code section 40508(a) is added as a misdemeanor.
4. Additional fees include civil assessment for failure to appear and court security.
5. Total fine balance eligible for amnesty is \$880. The \$440 should be distributed pro rata to all funds as appropriate.

Vehicle Code Infraction with Misdemeanor	Original Amount Due	Amnesty Program: 50% Due
Base bail; Veh. Code, §21453(a)	\$100.00	\$50.00
Additional misd charge; Veh. Code, §40508 (a)	\$50.00	\$25.00
Total base bail	\$150.00	\$75.00
State surcharge, 20% of base; Pen. Code, §1465.7	\$30.00	\$15.00
State PA, \$10 for every \$10; Pen. Code, §1464.4(a)	\$150.00	\$75.00
County PA., \$7 for every \$10; Gov. Code, §76000(a)(e)	\$105.00	\$52.50
Court PA \$5 for every \$10; Gov. Code, §76000	\$75.00	\$37.50
DNA PA., \$2 for every \$10; Gov. Code, §76104.6–76104.7	\$30.00	\$15.00
EMS PA., \$2 for every \$10; Gov. Code, §76000.5	\$20.00	\$10.00
Court security fee, \$20; Pen. Code, §1465.8	\$20.00	\$10.00
Civil assessment up to \$300; Pen. Code §1214.1	\$300.00	\$150.00
Total bail amount due	\$880.00	\$440.00

* Fine, fees, and penalty assessments based on 2008 Uniform Bail and Penalty Schedules.

BILL NUMBER: AB 1358 CHAPTERED
BILL TEXT

CHAPTER 662
FILED WITH SECRETARY OF STATE OCTOBER 9, 2011
APPROVED BY GOVERNOR OCTOBER 9, 2011
PASSED THE SENATE AUGUST 31, 2011
PASSED THE ASSEMBLY SEPTEMBER 6, 2011
AMENDED IN SENATE AUGUST 29, 2011
AMENDED IN ASSEMBLY MAY 16, 2011
AMENDED IN ASSEMBLY APRIL 15, 2011

INTRODUCED BY Assembly Member Fuentes

FEBRUARY 18, 2011

An act to amend Section 42008.7 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1358, Fuentes. Vehicles: misdemeanor violations: amnesty.

Existing law requires a county to establish a one-time amnesty program for fines and bail for an infraction violation of the Vehicle Code, except for parking violations, and specified reckless driving and driving-under-the-influence (DUI) offenses. Existing law allows a person owing a fine or bail that is eligible for amnesty under this program to pay to the superior or juvenile court 50% of the total fine or bail, as defined, which must be accepted by the court in full satisfaction of the delinquent fine or bail.

This bill would authorize, in addition to and at the same time as the above one-time amnesty program, the court and the county to establish a one-time amnesty program that would allow a person to pay 50% of the total fine or bail for specified misdemeanor violations if certain conditions are met.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 42008.7 of the Vehicle Code is amended to read:

42008.7. (a) The State of California continues to face a fiscal and economic crisis affecting the State Budget and the overall state economy. In light of this crisis, a one-time infraction amnesty program would do the following:

(1) Provide relief to individuals who have found themselves in violation of a court-ordered obligation because they are financially unable to pay traffic bail or fines.

(2) Provide increased revenue at a time when revenue is scarce by encouraging payment of old fines that have remained unpaid.

(3) Allow courts and counties to resolve older delinquent cases and focus limited resources on collecting on more recent cases.

(b) A one-time amnesty program for fines and bail meeting the eligibility requirements set forth in subdivision (e) shall be established in each county. Unless agreed otherwise by the court and the county in writing, the government entities that are responsible for the collection of delinquent court-ordered debt shall be responsible for implementation of the amnesty program as to that debt, maintaining the same division of responsibility in place with respect to the collection of court-ordered debt under subdivision (b) of Section 1463.010 of the Penal Code.

(c) As used in this section, the term "fine" or "bail" refers to the total amounts due in connection with a specific violation, which include, but are not limited to, the following:

(1) Base fine or bail, as established by court order, by statute, or by the court's bail schedule.

(2) Penalty assessments imposed pursuant to Section 1464 of the Penal Code and Sections 70372, 76000, 76000.5, 76104.6, and 76104.7 of the Government Code.

(3) Civil assessment imposed pursuant to Section 1214.1 of the Penal Code.

(4) State surcharge imposed pursuant to Section 1465.7 of the Penal Code.

(5) Court security fee imposed pursuant to Section 1465.8 of the Penal Code.

(d) In addition to and at the same time as the mandatory one-time amnesty program is established pursuant to subdivision (b), the court and the county may jointly agree to extend that amnesty program to fines and bail imposed for a misdemeanor violation of this code and a violation of Section 853.7 of the Penal Code added to the misdemeanor case otherwise subject to the amnesty. The amnesty program authorized pursuant to this subdivision shall not apply to parking violations and violations of Section 23103, 23104, 23105, 23152, or 23153 of this code.

(e) Violations are only eligible for amnesty if paragraph (1), (2), or (3) applies and the requirements of paragraphs (4), (5), and (6) are met:

(1) The violation is an infraction violation filed with the court.

(2) It is a violation of subdivision (a) or (b) of Section 40508, or a violation of Section 853.7 of the Penal Code added to the case subject to paragraph (1).

(3) The violation is a misdemeanor violation filed with the court to which subdivision (d) applies.

(4) The due date for payment of the fine or bail was on or before January 1, 2009.

(5) The defendant does not owe victim restitution on any case within the county.

(6) There are no outstanding misdemeanor or felony warrants for the defendant within the county, except for misdemeanor warrants for misdemeanor violations authorized by the court and the county pursuant to subdivision (d).

(f) Each amnesty program shall accept, in full satisfaction of any eligible fine or bail, 50 percent of the fine or bail amount, as defined in subdivision (c) of this section. Payment of a fine or bail under an amnesty program implemented pursuant to this section shall be accepted beginning January 1, 2012, and ending June 30, 2012. The Judicial Council shall adopt guidelines for the amnesty program no later than November 1, 2011, and each program shall be conducted in accordance with Judicial Council guidelines.

(g) No criminal action shall be brought against a person for a delinquent fine or bail paid under the amnesty program.

(h) The total amount of funds collected under the amnesty program shall as soon as practical after receipt thereof be deposited in the county treasury or the account established under Section 77009 of the Government Code. Any unreimbursed costs of operating the amnesty program, excluding capital expenditures, may be deducted from the revenues collected under the amnesty program by the court or the county that incurred the expense of operating the program. Notwithstanding Section 1203.1d of the Penal Code, the remaining revenues collected under the amnesty program shall be distributed on a pro rata basis in the same manner as a partial payment distributed pursuant to Section 1462.5 of the Penal Code.

(i) Each court or county implementing an amnesty program shall file, not later than September 30, 2012, a written report with the Judicial Council, on a form approved by the Judicial Council. The report shall include information about the number of cases resolved, the amount of money collected, and the operating costs of the amnesty program. Notwithstanding Section 10231.5 of the Government Code, on or before December 31, 2012, the Judicial Council shall submit a report to the Legislature summarizing the information provided by each court or county.

Amnesty Program Collections Report
January 1, 2012, through June 30, 2012
Court/County:_____

Mandatory Amnesty Program				
	No. Cases Resolved	Revenue Collected	Program Operating Cost	Recovered Cost
January				
February				
March				
April				
May				
June				
TOTAL	\$0	\$0	\$0	\$0

Optional Amnesty Program				
	No. Cases Resolved	Revenue Collected	Program Operating Cost	Recovered Cost
January				
February				
March				
April				
May				
June				
TOTAL	\$0	\$0	\$0	\$0

Completed by: _____

Name: _____

Title: _____

Phone No.: _____

Email _____